

REMARKS

Applicants respectfully request the Examiner to reconsider the present application in view of the foregoing amendments to the specification and claims and the following remarks.

Status of the Claims

In the present Amendment, claims 1 and 3-6 have been amended. Claims 1-9 are pending in the present application.

No new matter has been added by way of these amendments. For instance, the proper sequence identifiers have been added in claims 1, 3 and 4. The other amendment to claim 1 actually deletes subject matter. Further, the amendment to claims 5 and 6 are clarifying amendments. By deleting/amending these terms in order to clarify the claimed invention, Applicants are in no way conceding any limitations with respect to the interpretation of the claims under the Doctrine of Equivalents.

The amendments to the specification do not add new matter. Various grammatical errors have been corrected, and proper sequence identifiers have been inserted.

Based upon the above considerations, entry of the present amendment is respectfully requested.

Issues under 35 U.S.C. § 102(b) (Pages 2-3 of Office Action)

The Examiner has rejected claims 1-4 under 35 U.S.C. § 102(b) as being anticipated by Sarah White et al., *Chemistry & Biology*, Vol. 4, No. 8, pp. 569-578 (1997) (hereinafter referred

to as “White et al.”). Applicants respectfully traverse, and reconsideration and withdrawal of this rejection are respectfully requested based on the following.

The Examiner states that White et al. reference describes a polyamide that can fold in a minor groove of the double helix region of SEQ. ID. NO. 1 (-557 to -536). The Examiner also indicates that the structure of a polyamide is disclosed in White et al. However, White et al. do not describe or suggest the pyrrole-imidazole polyamide as instantly claimed. The targeted sequence is even different in White et al. versus that of the present invention. Applicants also note the changes to claim 1 as shown herein.

In this regard: “Because the hallmark of anticipation is prior invention, the prior art reference—in order to anticipate under 35 U.S.C. §102—must not only disclose all elements of the claim within the four corners of the document, but must also disclose those elements ‘arranged as in the claim.’” *Net MoneyIN Inc. v. VeriSign Inc.*, 545 F3d 1359, 88 USPQ2d 1751, 1758 (Fed. Cir. 2008) (citing *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542, 1548, 220 USPQ 193, 198 (Fed. Cir. 1983)). The White et al. reference fails to disclose all claimed features as explained above. Applicants traverse any assertion of inherency as well due to the different disclosure in White et al.

Still, the Examiner states that White et al. disclose a polyamide structure having “a Py/Im pair corresponds to a C-G base pair, an Im/Py pair corresponds to a G-C pair, and a Pyr/Pyr pair corresponds to both an A-T and a T-A base pair.” However, since the targeted sequences of White et al. and the present invention are different and the polyamide should be designed based on the corresponding pairs as mentioned above, the polyamide of the present invention is

different from that of White et al. Accordingly, even if White et al. disclose corresponding base pairs, White et al. would still not disclose all claimed features.

In summary, it is respectfully submitted that the Examiner has not presented a prima facie case of anticipation because (1) the specifically exemplified embodiments of the present invention are considerably different from the exemplified embodiments in the prior art and (2) the stated function (target region) in the prior art is different from the stated function (target region) of the present invention. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

Issues under 35 U.S.C. §112, First Paragraph (Pages 4-8 of Office Action)

The Examiner has rejected claims 1-4 under 35 U.S.C. § 112, first paragraph, for asserted lack of written description. Applicants respectfully traverse.

The Examiner states that only one example is given in the present specification, and that the specification otherwise fails to sufficiently give a structure-function relationship to satisfy the claimed limitation of “. . . part or all of the following base sequence . . .” of claim 1 (see the paragraph bridging pages 6-7 of the Office Action). However, reconsideration is respectfully requested in light of the changes to the claims as shown herein (e.g., “. . . ~~a part~~ or all of the following base sequence from -557 to -536 (SEQ ID NO: 1) . . .” in claim 1). Also, Applicants note that with all of -557 to -536 being required (SEQ ID NO: 1), there is a common core for, e.g., SEQ ID NO: 2.

Thus, reconsideration and withdrawal of this rejection are respectfully requested.

Claim Objections (Page 8 of Office Action)

The Examiner is objecting to claims 5-8 for lack of clarity. Applicants respectfully refer the Examiner to claims as shown herein. Regarding the term “conjugation,” Applicants note the changes to “bonding” as shown herein. It is also believed that claim 8 is proper.

Based on the amendments shown herein, reconsideration and withdrawal of this objection is respectfully requested.

Nucleotide Sequences (Pages 8-9 of Office Action)

The Examiner points out some problems in the claims and specification as stated at pages 8-9 of the Office Action. Applicants note the changes to the claims and specification as shown herein. For instance, the identifier of “SEQ ID NO: 1” has been added after the appearance of “TAAAGGAGAGCAATTCTTACAG” in claim 1. Thus, reconsideration is respectfully requested.

Drawings

The Examiner did not comment on the drawings of the present application (see Box 9 of the PTOL-326 form of the current Office Action). Thus, Applicants respectfully request the Examiner to consider and accept the filed drawings.

Conclusion

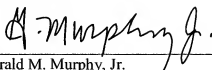
In view of the above amendments and remarks, Applicants believe the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Eugene T. Perez, Reg. No. 48,501, at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

By 

Gerald M. Murphy, Jr.

Registration No.: 28,977

BIRCH, STEWART, KOLASCH & BIRCH, LLP

8110 Gatehouse Road, Suite 100 East

P.O. Box 747

Falls Church, Virginia 22040-0747

(703) 205-8000

Attorney for Applicant